

AMENDED IN SENATE APRIL 5, 2010

SENATE BILL

No. 1193

Introduced by Senators Lowenthal and Pavley

February 18, 2010

An act to add ~~Sections 17072.19 and~~ *Section* 17074.31 to the Education Code, relating to school facilities.

LEGISLATIVE COUNSEL'S DIGEST

SB 1193, as amended, Lowenthal. School facilities funding: high performance schools.

Existing law, the Leroy F. Greene School Facilities Act of 1998 (the Greene Act), requires the State Allocation Board to allocate to applicant school districts prescribed per-unhoused-pupil state funding for construction and modernization of school facilities, including hardship funding and supplemental funding for site development and acquisition and requires the board to adopt rules and regulations for the administration of the Greene Act. The Kindergarten-University Public Education Facilities Bond Act of 2006 sets aside \$100,000,000 of the proceeds of the bonds sold under that act for incentive grants under the Greene Act to promote the use of design and materials in new construction and modernization projects that include the attributes of high-performance schools.

Existing law authorizes a grant for new construction to be used for the costs of design and materials that promote the efficient use of energy and water, the maximum use of natural lighting and indoor air quality, the use of recycled materials and materials that emit a minimum of toxic substances, the use of acoustics conducive to teaching and learning, and other characteristics of high performance schools. A school district is required to certify, as part of its application for funding under the

Greene Act, that it has considered the feasibility of using these characteristics of high performance schools.

~~This bill would increase the amount of a grant for new construction to provide 50% of the additional costs associated with the use of design and materials that promote the use of specified characteristics of a high performance school if the total amount of those costs exceeds specified nonresidential building energy efficiency standards by at least 15%. The bill would also increase the amount of a grant for a modernization project to provide for 60% of those additional costs. The bill would limit the amount of this increase to \$3,000,000 per schoolsite. The bill would require the State Allocation Board to adopt regulations to implement the increases. The provisions of the bill would be applicable to contracts for these additional design and material costs signed on or after January 31, 2010 modernization grant by \$250,000 per schoolsite if a school district incorporates the use of high performance design and materials, and if the project is able to achieve one of 3 specified objectives. The bill would require the State Allocation Board to adopt, and the Office of Administrative Law to process, emergency regulations to implement the increases. The provisions of the bill would be applicable, as specified, to contracts signed on or after April 1, 2010.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 17074.31 is added to the Education Code,
- 2 to read:
- 3 17074.31. (a) Notwithstanding Section 17074.10, if a school
- 4 district incorporates the use of the high performance design and
- 5 materials specified in Section 17070.96, the amount of the
- 6 modernization grant shall be increased by two hundred fifty
- 7 thousand dollars (\$250,000) per schoolsite if the project is able
- 8 to achieve one of the following objectives:
- 9 (1) Achieve 20 points for meeting high performance criteria,
- 10 as determined by the board, and certified by the Division of the
- 11 State Architect.
- 12 (2) Obtain Collaborative for High Performance Schools
- 13 “verified” status in accordance with the California Edition of the
- 14 Collaborative for High Performance Schools criteria.

1 (3) *Obtain certification status in accordance with the Leadership*
2 *in Energy and Environmental Design for Schools.*

3 (b) *In addition to the funding authorized pursuant to subdivision*
4 *(a), the board shall provide funding for modernization projects*
5 *that exceed the criteria specified in subdivision (a).*

6 (c) *Within 14 calendar days of the operative date of this section,*
7 *the board shall adopt emergency regulations to administer this*
8 *section. The Office of Administrative Law shall process these*
9 *emergency regulations within 14 calendar days of their adoption.*

10 (d) *Notwithstanding Section 17074.16, school districts shall not*
11 *be required to provide matching funds for any funds received*
12 *pursuant to this section.*

13 (e) *Funds received by a school district pursuant to this section*
14 *do not constitute a modernization apportionment pursuant to this*
15 *article, and do not reduce modernization eligibility authorized by*
16 *Article 6 (commencing with Section 17073.10).*

17 (f) *The energy efficiency and renewable energy savings realized*
18 *from a project pursuant to this section, as calculated annually*
19 *over the useful life of the project, shall be retained by the school*
20 *district. The state funding shall not be reduced based on realized*
21 *energy efficiency and renewable energy savings.*

22 (g) *Funding increases pursuant to this section shall be available*
23 *for reimbursement and grants for contracts that are signed on or*
24 *after April 1, 2010.*

25 ~~SECTION 1.— Section 17072.19 is added to the Education Code,~~
26 ~~to read:~~

27 ~~17072.19. (a) Notwithstanding Section 17072.10, if a school~~
28 ~~district incorporates the use of the high performance design and~~
29 ~~materials specified in Section 17070.96, the amount of a new~~
30 ~~construction grant shall provide 50 percent of the additional costs~~
31 ~~associated with those high performance design and materials.~~

32 ~~(b) Regulations adopted by the board to implement this section~~
33 ~~shall specify that a school district is eligible for the increase~~
34 ~~authorized by this section if the high performance design and~~
35 ~~materials exceed the nonresidential building energy standards~~
36 ~~specified in Part 6 of Title 24 of the California Code of Regulations~~
37 ~~by 15 percent.~~

38 ~~(c) If funding for the amount of an increase made to a new~~
39 ~~construction grant pursuant to this section derive from paragraph~~

1 ~~(8) of subdivision (a) of Section 101012, the increase shall not~~
2 ~~exceed three million dollars (\$3,000,000) per schoolsite.~~

3 ~~(d) Funding increases pursuant to this section shall be available~~
4 ~~for reimbursement and grants for contracts that are signed on or~~
5 ~~after January 31, 2010.~~

6 SEC. 2. ~~Section 17074.31 is added to the Education Code, to~~
7 ~~read:~~

8 ~~17074.31. (a) Notwithstanding Section 17074.10, if a school~~
9 ~~district incorporates the use of the high performance design and~~
10 ~~materials specified in Section 17070.96, the amount of a~~
11 ~~modernization grant shall provide 60 percent of the additional~~
12 ~~costs associated with those high performance design and materials.~~

13 ~~(b) Regulations adopted by the board to implement this section~~
14 ~~shall specify that if a project includes renewable energy, a school~~
15 ~~district is eligible for the increase authorized by this section if an~~
16 ~~energy savings of 15 percent is achieved, as compared to schoolsite~~
17 ~~consumption on or after January 31, 2005, through energy~~
18 ~~efficiency retrofit or replacement. The regulations shall also specify~~
19 ~~that the increase is available for all other nonrenewable energy~~
20 ~~additional costs associated with high performance design and~~
21 ~~materials included in the project.~~

22 ~~(c) The amount of an increase made to a new construction grant~~
23 ~~pursuant to this section shall not exceed three million dollars~~
24 ~~(\$3,000,000) per schoolsite.~~

25 ~~(d) Funding increases pursuant to this section shall be available~~
26 ~~for reimbursement and grants for contracts that are signed on or~~
27 ~~after January 31, 2010.~~